

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**LARRY JOE DUFFIE, #42520-177,  
Petitioner,**

**v.**

**UNITED STATES OF AMERICA,  
Respondent.**

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**CIVIL CASE NO. 3:17-CV-0414-M-BK  
(Criminal Case No. 3:10-CR-265-M-02)**

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. Petitioner filed objections, and the Court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made. The objections are overruled, and the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that the successive section 2255 motion is **TRANSFERRED** to the United States Court of Appeals for the Fifth Circuit. See [28 U.S.C. § 2244\(b\)\(3\)](#); [28 U.S.C. § 1631](#).<sup>1</sup>

SO ORDERED this 18th day of December, 2017.

  
**BARBARA M. G. LYNN**  
**CHIEF JUDGE**

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<sup>1</sup> An order transferring a successive application to the court of appeals is not a final order requiring a certificate of appealability. See [United States v. Fulton](#), 780 F.3d 683, 688 (5th Cir. 2015).